

an intercity motor carrier of passengers under provisions of the zone of rate freedom shall file a formal complaint. The complaint may challenge only the reasonableness of the rate or fare under these special rules. Complaints on other grounds, such as discrimination or predatory practices, shall be filed under other sections of 49 CFR part 1131.

(b) A formal complaint must contain the correct, unabbreviated names and addresses of each complainant and defendant. It should set forth briefly and in plain language the facts upon which it is based. It should include specific reference to pertinent statutory provisions and Commission regulations, and should advise the Commission and the defendant fully in what respects these provisions or regulations have been or are violated or will be violated. The complaint should contain a detailed statement of the relief requested. Relief in the alternative or of several different types may be demanded, but the issues raised should not be broader than those to which complainant's verified statement is directed.

(c) Complainant's verified statement of facts and argument shall be filed simultaneously with its complaint, and they shall constitute complainant's case-in-chief. Whatever evidence is relied upon shall be set forth in sufficient detail to support the complaint, such as cost of service, rate or fare comparisons, or other information which may be pertinent (such as type of service rendered, distance traveled, or patronage experienced).

(d) Complainant shall serve a copy of its complaint and a copy of its verified statement on defendant on the same day that these pleadings are filed with the Commission. Such service and filing shall comply with § 1104.12.

[48 FR 44830, Sept. 30, 1983, as amended at 49 FR 44827, Sept. 30, 1984]

§ 1142.2 Answer by defendant.

The answer to the complaint shall contain the entire case-in-rebuttal, consisting of defendant's verified statement of facts and argument. It shall be filed within 20 days of the filing by complainant of the complaint and the verified statement. Defendant shall serve a copy of its statement on com-

plainant on the same day it is filed with the Commission. Such service and filing shall comply with § 1104.12.

§ 1142.3 Reply by complainant.

Complainant may file a reply to defendant's answer within 10 days after the defendant's answer is due. The reply may include evidence obtained by the complainant in response to a request for discovery. Defendant may file a reply within 5 days after complainant's reply is due to such evidence obtained on discovery which is not contained in the complaint and which complainant seeks to include in the record at this time. A reply shall be served on the parties on the same day it is filed with the Commission and comply with § 1104.12.

§ 1142.4 Discovery.

Discovery procedures shall be available to the complainant pursuant to our rules at § 1114.21, so long as the request is made at the same time the complaint is filed and seeks relevant information needed to support the complaint. Unless otherwise directed by the Commission, defendant (a) shall respond within 5 days, and (b) shall produce relevant information which is readily available. Defendant shall not be required to prepare and produce cost, traffic, financial, economic or other data not previously prepared. Defendant shall not be required to produce privileged information.

§ 1142.5 Copies.

An original and 10 copies of the complaint, statements, answer, replies, and discovery requests shall be furnished for the use of the Commission.

PART 1143—PREEMPTION OF STATE JURISDICTION: PASSENGER RATES

Sec.

- 1143.1 Applicability.
- 1143.2 Commission jurisdiction.
- 1143.3 Petition.
- 1143.4 Notification procedures.
- 1143.5 Opposition; deadlines.
- 1143.6 Rebuttal.

AUTHORITY: 49 U.S.C. 10321 and 11501(e); 5 U.S.C. 553.

SOURCE: 55 FR 11203, Mar. 27, 1990, unless otherwise noted.